UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.126
28 June 2000

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child
NORWAY

1. The Committee considered the second periodic report of Norway (CRC/C/70/Add.2), submitted on 1 July 1998, its 625th and 626th meetings (see CRC/C/SR. 625-626), held on 22 May 2000 and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report, the additional information provided and the written answers submitted by the State party to the list of issues (CRC/C/Q/NOR/2). The Committee notes with appreciation the useful statistical information included in the report and the frank and constructive efforts made by the delegation to provide additional information in the course of the dialogue.

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* At the 641st meeting, held on 2 June 2000.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee commends the State party for its overall progress in implementing the Convention on the Rights of the Child.

4. The Committee, in addition, commends the State party on the very positive and independent role of the office of the ombudsperson for children. The Committee also considers as especially noteworthy the fact that the State party prioritizes the social sector both within its own international development assistance programmes and through its participation in relevant international forums. Likewise, the Committee commends the State party's support for the establishment of the research organization "Childwatch International" and its development of NORDEM which aims to facilitate the offering of national expert assistance on, inter-alia, human rights matters, in a spirit of dialogue and cooperation.

5. The Committee is encouraged by the constructive dialogue between Government and NGOs, including in the preparation of the State party's report, and the support given to NGOs in the preparation of an alternative report.

6. The Committee welcomes the withdrawal of the State party's reservation to article 40 (2) (b) (v) of the Convention in 1995, following amendments to the Criminal Procedure Act. In addition, the Committee is encouraged by amendments to the Children Act which strengthen the position of children and the protection of their rights.

7. The Committee also notes with satisfaction that in spite of the widespread international trend of economic recession (during part of the reporting period) and the progression towards a decentralization of social services, the budgetary resources for child welfare programmes have been increasing in the State party. The Committee notes, further, that a system of monitoring the policies and measures taken by municipalities with regard to their implementation of children's welfare programmes has been set up through the County Governor reporting procedure.

8. The Committee takes note of the considerable efforts being made by the State party to combat trends towards intolerance of foreigners and to address the issues of racism and xenophobia, including through the involvement and participation of youth. The Committee also welcomes the active role being taken by the State party within regional forums in encouraging similar approaches to such problems.

9. The Committee notes with satisfaction amendments to the Citizen Act made since publication of the State party's report and their positive impact on the situation of foreign children who are adopted by Norwegian citizens and other persons residing in Norway. The Committee notes, further, the adoption of the 1995 Act prohibiting the circumcision of women and amendments to the 1994 Marriage Act allowing a party to a marriage to initiate proceedings to declare the marriage null and void if he or she was forced into the marriage. In addition, the Committee welcomes the extensive support and intervention programmes available to parents.

10. The Committee would like to commend the State party on its generous contribution to supporting children's rights in developing countries through international cooperation and other assistance.

11. The Committee welcomes the numerous references in the State party's report to its concluding observations on the State party's initial report, and the efforts to respond to some of the recommendations made.

C. Principal subjects of concern

1. General measures of implementation

Legislation

12. The Committee remains concerned that the general principles and provisions of the Convention have not yet been fully incorporated into domestic legislation as recommended.

13. The Committee encourages the State party in its ongoing discussions on this issue and recommends that consideration be given to incorporating the Convention into domestic legislation, in a manner comparable to the incorporation of other regional and international human rights instruments by the 21 May 1999 Human Rights Act.

Implementation at a local level

14. Recognizing the extensive decentralization of decision-making, administration and the delivery of services in the State party, the Committee notes that the significant delegation of powers from the national level to municipalities appears to reflect a weak point in the State party's implementation of the Convention, in that not all municipalities take the Convention fully into consideration.

15. The Committee recommends that the State party undertake an evaluation of the implementation of all aspects of the Convention by municipal authorities and that every effort be made to ensure the effective implementation of the Convention at the municipal level.

Budgetary allocations

16. The Committee is concerned that the breadth and standard of welfare services provided by local authorities to children from low-income families, and consequently the standard of living of some children, are unequal in different municipalities across the country partly as a result of significant differences in the financial resources available to different municipal authorities, differences in the priorities set by those authorities and differences in systems of assessing needs and granting assistance. These disparities have the effect of providing either unequal access, or different levels of welfare assistance to children, particularly those with disabilities, according to the area of the country in which they reside.

17. The Committee urges the State party to consider ways in which all children can be guaranteed equal access to the same standard of services, irrespective of where they live, such as, for example, by establishing nationwide standards for and allocation of resources to the implementation of the Convention's provisions, in the context of the provision of welfare services.

Training on the Convention

18. The Committee notes that the training of professionals whose work may involve children is not systematic and that many professionals do not receive such training.

19. The Committee recommends that the State party develop guidelines for child rights training with regard to the appropriate roles of different professional groups, including teachers, lawyers and police officers, and placing emphasis, where relevant, on the concerns raised by the Committee. The Committee recommends, in particular, that attention be given to providing municipal board members and authorities with training in implementation of the Convention on the Rights of the Child as a whole.

2. General principles

Non-discrimination

20. The Committee expresses appreciation of the State party's efforts to ensure that, in practice, children within Norwegian jurisdiction, including those whose presence is not in line with legal requirements, benefit from the rights defined in the Convention. The Committee expresses its concern, nevertheless, that this principle is not established in all relevant domestic legislation, that the absence of a legal guarantee may deprive some children without Norwegian nationality of their rights, and that some limitations are placed on these children's access to health and education services.

21. The Committee recommends that the State party consider the full, including long-term impact of this situation on the rights of children without Norwegian nationality and without legal status living within Norwegian jurisdiction. The Committee further encourages the State party to consider amendments to national legislation which would ensure the full applicability of article 2 of the Convention.

Best interests

22. The Committee acknowledges the State party's significant efforts to respect the best interests principle but notes that improvements can be made. In particular, the Committee is concerned that in the context of the role of municipal authorities the best interests of the child are not always taken into full consideration and, further, that the best interests of children with an imprisoned parent, unaccompanied child asylum-seekers or refugees are not always a primary consideration.

23. The Committee recommends that the State party, in consultation with the office of the ombudsperson and with civil society, consider the implications of the best interests principle in the context of the above situations and that further efforts be made to ensure that the principle is a primary consideration in decisions which affect children.

The right of the child to express his/her views freely

24. The Committee commends the State party for its efforts to respect the rights of children to have their views heard including, notably, through the appointment of child representatives at a municipal level. The Committee joins the State party in expressing concern, however, that in practice children's views are insufficiently heard and taken into consideration. The Committee is concerned that many children are not aware of their rights in this domain under the Convention and national laws, or of the opportunities which have been created for their views to be expressed.

25. Taking note of the State party's recent commitments, the Committee recommends that the State party continue its efforts to inform children and others, including parents and legal professionals, of children's right to express their views and of the mechanisms and other opportunities which exist for this purpose. The Committee recommends, further, that the State party undertake a regular review of the extent to which children's views are taken into consideration and of the impact this has on policy, programme implementation and on children themselves.

3. Civil rights and freedoms

Freedom of thought, conscience and religion

26. The Committee is concerned that the approach taken by the State party's Act No. 61 of 17 July 1998 relating to primary, lower secondary and upper secondary education, which introduces a new common curriculum on "Religions, Knowledge and Ethical Education", may be discriminatory. The Committee is concerned notably by the process of providing for exemptions to those children and parents who do not wish to participate in parts of the teaching.

27. The Committee recommends that the State party review the implementation of the new curriculum and consider an alternative exemption process.

Violence and harmful information

28. The Committee acknowledges the State party's recognition of a rise in acts of violence in society and particularly among young people, including older children.

29. The Committee recommends that the State party pursue its efforts to address the causes of such violence and to reduce its incidence.

4. Family environment and alternative care

Separation from parents

30. The Committee is concerned that the best interests of the child and, in particular, child rights with regard to separation from parents are not fully respected in the context of maintaining contact with parents serving prison sentences. The Committee is further concerned that despite

the State party's positive efforts, when decisions to deport foreigners convicted of a criminal offence are taken, professional opinions on the impact of such decisions upon the children of the deported persons are not systematically referred to and taken into consideration.

31. The Committee recommends that the State party be more flexible in its application of family contact rules for imprisoned persons so as to ensure that a child maintains personal relations and direct contact with an imprisoned parent, where this is in the best interests of the child. The Committee also recommends that the State party review the process through which deportation decisions are made to ensure that where deportation will mean the separation of a child from his or her parent, the best interests of the child are taken into consideration.

Family reunification

32. While supporting the State party's very positive approach to family reunification of non-Norwegian children, the Committee is concerned that the significant domestic measures providing for family reunification are not applied to their full extent. In particular, the Committee is concerned that children are not always able to take advantage of these provisions either because they have not been informed of the possibilities for family reunification because of procedural delays, or because procedures are not systematic.

33. The Committee urges the State party to establish a standard procedure through which children and other concerned persons such as their parents or legal guardians, are informed of the possibilities and procedures for family reunification and for these procedures to be implemented systematically in accordance with set guidelines.

Protection of the child deprived of a family environment

34. The Committee is concerned by the increase in the numbers of children being placed outside their parental home, in particular through the informal voluntary placement procedure which might not always guarantee that the best interests of the child are observed.

35. The Committee recommends that the State party carefully analyse both the factors which lead to the need to place children outside their parental homes and the practice of informal placement itself, and take effective measures to guarantee that the rights of children to family life and the best interests of the child are respected.

5. Basic health and welfare

36. The Committee is concerned at the high incidence of anorexia nervosa and bulimia and by the prevalence of alcohol consumption among adolescents. The Committee also expresses its concern at the continuing incidence of suicide by children, especially boys.

37. The Committee encourages the State party to continue its efforts to address cases of anorexia nervosa and bulimia which are both medical and psychological problems. In addition, the Committee notes the efforts made by the State party to reduce the level of

alcohol consumption among adolescents and recommends that the State party continue to promote a healthy lifestyle among adolescents. Further, recognizing that it can be difficult to identify all cases of suicide by children and in accordance with its recommendation in paragraph 17 of its 1994 concluding observations (CRC/C/15/Add.23), the Committee recommends that the State party continue its research into the incidence and causes of child suicide, including by children under the age of 10, and to use the results of this research to inform and further develop the State party's 1994 suicide prevention programme.

Children with disabilities

38. The Committee is concerned that children with disabilities do not have the best possible social integration with their peers.

39. Recognizing the State party's efforts to ensure that the rights of children with disabilities are fully realized and in light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69), the Committee recommends that the State party continue its efforts to ensure that children with disabilities are able to share their time with other children, as emphasized in the State party's second plan of action.

Mental health services

40. The Committee joins the State party in expressing concern at the long waiting list and delayed access to mental health services and professionals for children which are due to an insufficient number of psychologists and psychiatrists.

41. The Committee encourages the State party to explore ways of providing children with more timely access to mental health services, and to address in particular the shortage of psychiatrists and psychologists.

Childcare services

42. The Committee joins the State party in expressing concern at the continuing need for additional day care places and that the available cash benefit scheme does not compensate for this need.

43. The Committee joins the State party in recommending an evaluation of the cash benefit scheme and recommends further that the State party pursue its original aim of ensuring that day care places are available for all children.

6. Education, leisure and cultural activities

Right to education

44. The Committee joins the State party in expressing concern at limitations, and the lack of specialization, in the educational background of some teachers and notes that such limitations have a negative impact on education and pupils and are a consequence of numerous factors, including teachers' low salaries.

45. The Committee recommends that the State party study the impact of low teachers' salaries and other factors on education in the State party and that efforts be made to address the problems identified.

Access to education

46. The Committee is concerned that many Roma children, and the children of other itinerant groups, in the State party do not complete the required years of obligatory education.

47. The Committee recommends that the State party explore means of making formal education more accessible to children who travel for a part of the year, such as through the use of mobile communications facilities and distance learning programmes.

7. Special protection measures

Unaccompanied, asylum-seeking and refugee children

48. The Committee is concerned that the provisions and principles of the Convention are not entirely respected with regard to asylum-seeking children. Specifically, the Committee is concerned that child applicants for asylum are provided with insufficient opportunities to participate in their application process and that their views are insufficiently taken into consideration. The Committee considers that positive mechanisms, such as the appointment of individual guardians for each unaccompanied asylum-seeking child, are not implemented to their full extent. Further, the Committee is concerned by delays in the processing of asylum applications and the fact that some child applicants are not integrated into local education systems.

49. Recognizing the State party's ongoing plans to improve child participation in these procedures, the Committee encourages the State party to pursue these efforts and recommends that the State party review its procedures for considering applications for asylum from children, whether accompanied or unaccompanied, to ensure that children are provided with sufficient opportunities to participate in the proceedings and to express their concerns. Recognizing further the valuable contribution that can be made by the guardian mechanism developed by the State party, the Committee recommends that additional efforts be made to implement the mechanism, to and ensure that it functions as intended, including through the provision of appropriate training to guardians.

50. The Committee recommends that the State party examine the reasons for delays in the procedures for processing applications and for the settlement of children, with a view to shortening them. The Committee also recommends that the State party make further efforts to ensure the rapid integration of children into the normal school system. The Committee recommends, in addition, that the State party consider the provisions and principles of the Convention in the review of procedures.

51. Noting the additional efforts of the State party to provide psycho-social assistance to refugee and asylum-seeking children, the Committee joins the State party in expressing concern that not all children in need of such help are given the opportunity to receive it. The Committee is also concerned at cases of malnutrition among refugee and asylum seeking children upon their arrival in the State party.

52. The Committee recommends that the State party pursue its plans to extend the current available psychological assistance to a wider number of children and their parents, and to ensure that every effort is made to identify children who require such help, upon their arrival in the State party. The Committee encourages the State party to continue its efforts to address malnutrition concerns.

Juvenile justice

53. The Committee is concerned that current responses by the State party to children who commit crimes often focus either uniquely on child welfare action or, for children over 15, on responses appropriate for adult offenders, with insufficient emphasis being placed on the preventive and rehabilitative aspects of juvenile justice.

54. The Committee recommends that the State party pursue its efforts to ensure that the best interests of the child are a primary consideration in the context of juvenile justice proceedings, giving greater consideration to the need for prevention and rehabilitation of child offenders.

Sexual exploitation and abuse

55. The Committee is concerned at incidents of sexual abuse in the State party and that existing State party resources for addressing such concerns are not used to their most effective potential.

56. The Committee urges the State party to continue its efforts to prevent and address cases of sexual abuse by increasing the resources available, including for an appropriate review of the employment of adult staff working with children, by monitoring, through the legal processes of responding to accusations of child abuse, by training of legal and other relevant professionals, and by the timely provision of care to the victims of such acts.

7. Dissemination of the reports

57. The Committee commends the State party for its wide and early dissemination of its 1993 initial report. The Committee is concerned, however, that the 1998 report did not receive the same wide distribution and, in particular, that it was not printed in Norwegian early enough to facilitate comments by Norwegian NGOs.

58. In light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report, the list of issues raised by the Committee and the written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned NGOs.